IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3289 OF 2006

Suresh Kalyanji Bhagat Applicant
versus
State of Maharashtra Respondent

Shri S.U.Marwadi for applicant.
Shri P.S.Hingorani, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th September 2006

PC :

1. The applicant has applied for anticipatory bail in connection with CR No.66 of 2006 registered at Kalamboli Police Station. The offences alleged are punishable under NDPS Act.

2. The submission of Shri Marwadi is that the applicant is arrayed as an accused even in CR No.II-84/2005 which is registered at Vashi Police Station. That order is passed by the Additional District and Sessions Judge, Thane.

3. In the instant bail application which is filed before the Sessions Court at Raigad being

Criminal Application No.710 of 2005 the applicant applied for interim bail and the learned Judge has passed an order pointing out that the main application is listed before the Regular Court and he is in-charge Court. Therefore, it would not be proper to grant interim bail.

4. Shri Marwadi submits that the applicant who is residing at Worli is implicated in several false cases at the instance of his wife and having been protected in one CR, deserves to be protected at least till the bail application is heard, failing which the applicant would be arrested. In that event, all proceedings would become infructuous.

5. Aware as I am, that the power under section 438 CR.P.C. is invoked in the present case involving offences punishable under NDPS Act but the applicant having been enlarged on interim bail in one matter by Thane District Court and his application being pending before the Sessions Judge so also the only reason for not protecting the applicant is that the Regular Court is not available, in my view, the applicant deserves to be protected at least till the hearing of Application No.710 of 2006 for anticipatory bail.

I am informed that the application is placed on 8th September 2006.

6. Learned Judge to hear and dispose off this application within a period of two weeks from today. During pendency of this application the applicant will not be arrested, provided, he reports to Kalamboli Police Station as and when summoned till bail application is finally disposed of by the Trial Court.

7. All contentions of both sides on maintainability as well as on merits are expressly kept open. Application disposed of.

(S.C.DHARMADHIKARI, J.)